

BILL NO. Z-73-11-33

ZONING ORDINANCE NO. Z-*Widderson*

AN ORDINANCE amending the City of  
Fort Wayne Zoning Map No. FF1.

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF  
FORT WAYNE, INDIANA:

SECTION 1. That the area described as follows is  
hereby designated an R3 district under the terms of Chapter 36,  
Municipal Codes of the City of Fort Wayne, Indiana, 1946, as  
amended by General Ordinance No. 2836 and amendments thereof,  
and the symbols of the City of Fort Wayne Map No. FF1 referred  
to therein, established by Section 9, Article III of said  
Chapter as amended are hereby changed accordingly, to-wit:

A tract of land situated in Lagro Reserve, in Township  
30 North, Range 12 East, in Allen County, Indiana, and  
by metes and bounds described as follows, to-wit:

Commencing on the center line of the public highway  
known as the Upper Huntington Road and U.S. Highway  
No. 24, at a point situated 7 chains, 50 links west  
of the east line of said Lagro Reserve; thence south  
51 degrees, 30 minutes west, along the said highway  
center line a distance of 564.8 feet; thence south  
38 degrees, 30 minutes east 340.4 feet; thence north  
28 degrees, 35 minutes, 162.86 feet; thence north 38  
degrees, 50 minutes east, 182 feet; thence north 49  
degrees east, 141 feet to the west line of the east  
6.50 chains of said Lagro Reserve, thence north on a  
line parallel to, and 6.50 chains west of the east  
line of said reserve, a distance of 240.0 feet to  
the southeast corner of Lot 17 in Edsall's Subdivision  
of a portion of said Lagro Reserve as recorded in  
Deed Record 30, pages 160-161, of the official  
records of said county; thence west on the south line  
of the lot aforesaid, a distance of one chain to the  
point of beginning; containing 3.32 acres of land;  
SUBJECT to the public highway hereinbefore mentioned.

SECTION 2. This ordinance shall be in full force and  
effect from and after its passage and approval by the Mayor and  
legal publication thereof.

  
Councilman

APPROVED AS TO FORM  
AND LEGALITY,  
  
CITY ATTORNEY

Read the first time in full and on motion by Nuckols, seconded by Hinga, and duly adopted, read the second time by title and referred to the Committee on Regulations (and the City Plan Commission for recommendation) and Public Hearing to be held after due legal notice, at the Council Chambers, City-County Building, Fort Wayne, Indiana, on \_\_\_\_\_, the \_\_\_\_\_ day of \_\_\_\_\_, 197\_\_\_\_\_, at \_\_\_\_\_ o'clock P.M., E.S.T.

Date: Apr. 13, 1973

Shirley M. Teleman  
CITY CLERK

Read the third time in full and on motion by \_\_\_\_\_, seconded by \_\_\_\_\_, and duly adopted, placed on its passage.  
Passed (LOST) by the following vote:

	AYES _____	NAYS _____	ABSTAINED _____	ABSENT _____	to-wit:
BURNS	_____	_____	_____	_____	
HINGA	_____	_____	_____	_____	
KRAUS	_____	_____	_____	_____	
MOSES	_____	_____	_____	_____	
NUCKOLS	_____	_____	_____	_____	
SCHMIDT, D.	_____	_____	_____	_____	
SCHMIDT, V.	_____	_____	_____	_____	
STIER	_____	_____	_____	_____	
TALARICO	_____	_____	_____	_____	

DATE: \_\_\_\_\_

\_\_\_\_\_  
CITY CLERK

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as (Zoning Map) (General) (Annexation) (Special) (Appropriation) Ordinance (Resolution) No. \_\_\_\_\_ on the \_\_\_\_\_ day of \_\_\_\_\_, 197\_\_\_\_.

ATTEST: (SEAL)

\_\_\_\_\_  
CITY CLERK

\_\_\_\_\_  
PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the \_\_\_\_\_ day of \_\_\_\_\_, 197\_\_\_\_\_, at the hour of \_\_\_\_\_ o'clock \_\_\_\_\_ M., E.S.T.

\_\_\_\_\_  
CITY CLERK

Approved and signed by me this \_\_\_\_\_ day of \_\_\_\_\_, 197\_\_\_\_\_, at the hour of \_\_\_\_\_ o'clock \_\_\_\_\_ M., E.S.T.

\_\_\_\_\_  
MAYOR

RESOLUTION OF ZONING ORDINANCE AMENDMENT RECOMMENDATION

WHEREAS, the Common Council of the City of Fort Wayne, Indiana, on November 13, 1973, referred a proposed zoning map amendment to the City Plan Commission which proposed ordinance was designated as Bill No. Z-73-11-33; and,

WHEREAS, the required notice of public hearing on such proposed ordinance has been published as required by law; and

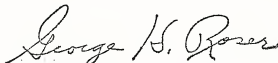
WHEREAS, the City Plan Commission conducted a public hearing on such proposed ordinance on January 21, 1974;

NOW THEREFORE, BE IT RESOLVED that the City Plan Commission does hereby recommend that such proposed ordinance DO NOT PASS for the reasons that no need has been shown for the Land Use Plan to be amended, the amendment will not be in the best interest of and benefit to the area involved and of and to the City, and the amendment will be detrimental to and conflicts with the overall City Plan; and,

BE IT FURTHER RESOLVED that the Secretary is hereby directed to present a copy of this resolution to the Common Council at its next regular meeting.

This is to certify that the above is a true and exact copy of a resolution adopted at the meeting of the Fort Wayne City Plan Commission held January 28, 1974.

Certified and signed this  
29th day of January, 1974.



George Roser  
Secretary

Hold

Hold  
2/12/74  
city of Fort Wayne

Bill No. Z-73-11-33

REPORT OF THE COMMITTEE ON REGULATIONS

We, your Committee on Regulations to whom was referred an Ordinance  
Amending the City of Fort Wayne Zoning Map No. FF1

have had said Ordinance under consideration and beg leave to report back to the Common  
Council that said Ordinance ~~is~~ Withdraw PASS.

John Nuckols - Chairman

Vivian G. Schmidt - Vice-Chairman

William T. Hinga

Paul M. Burns

Donald J. Schmidt

John Nuckols  
Vivian G. Schmidt  
William T. Hinga  
Paul M. Burns  
D.J. Schmidt

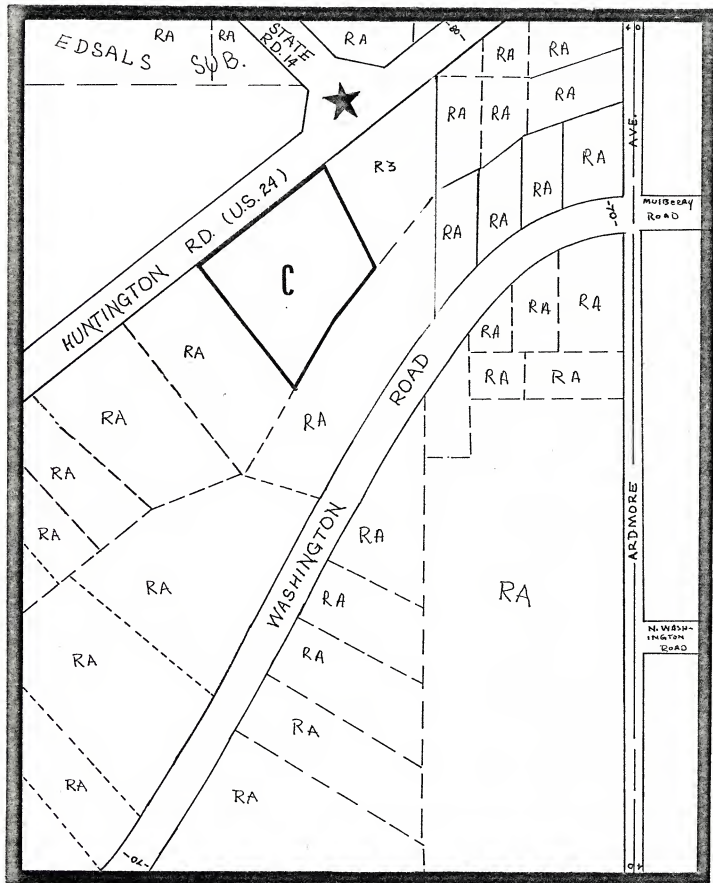
DATE 2-12-74 CONCURRED IN  
CHARLES W. WESTERLUND, CITY

## RECEIPT

GENERAL FUND

N<sup>o</sup> 223FT. WAYNE, IND. Sept 17 1973RECEIVED FROM Fidelity Realty Corp. \$ 50.10THE SUM OF Fifty and 00/100 <sup>100</sup> DOLLARSON ACCOUNT OF Deduction most 300' of a part of Large Reserve  
the rest 3.32 acres of A. 5.08 acres.Barb Steele

AUTHORIZED SIGNATURE



C-CHANGE FROM RA<sup>C</sup> R3



72 15.00

*Top Duplicate:*  
*Grantor*  
*to 476, Ellyett*

# WARRANTY DEED

This Indenture witnesseth that HARRY S. GILL and NAOMI LaVERNE <sup>husband and wife</sup>, each being over the age of 21 years,

of County in the State of Oregon

Conveys and warrants to NATIONAL OIL CORPORATION, an Indiana corporation,

of Allen County in the State of Indiana  
for and in consideration of Ten Dollars (\$10.00) and other good and valuable consideration,  
the receipt whereof is hereby acknowledged, the following Real Estate in Allen County  
in the State of Indiana, to wit:

A tract of land situated in Lagro Reserve, in Township 30 North, Range 12 East, in Allen County, Indiana, and by metes and bounds described as follows, to-wit:  
Commencing on the center line of the public highway known as the Upper Huntington Road and U. S. Highway No. 24, at a point situated 7 chains, 50 links west of the east line of said Lagro Reserve; thence south 51 degrees, 30 minutes west, along the said highway center line a distance of 564.8 feet; thence south 38 degrees, 30 minutes east 340.4 feet; thence north 28 degrees, 35 minutes, 162.86 feet; thence north 38 degrees, 50 minutes east, 182 feet; thence north 49 degrees east, 141 feet to the west line of the east 6.50 chains of said Lagro Reserve; thence north on a line parallel to, and 6.50 chains west of the east line of said reserve, a distance of 240.0 feet to the southeast corner of Lot 17 in Edsall's Subdivision of a portion of said Lagro Reserve as recorded in Deed Record 30, pages 160-161, of the official records of said county; thence west on the south line of the lot aforesaid, a distance of one chain to the point of beginning: containing 3.32 acres of land; SUBJECT to the public highway hereinbefore mentioned.

Subject to all restrictions, limitations and easements of record.

Grantee assumes and agrees to pay the real estate taxes for the year 1960, due and payable in May, 1961, and all real estate taxes and assessments thereafter.

State of ~~Indiana~~ Oregon,

County, as:

Before me, the undersigned, a Notary Public in and for said County and State, this 15<sup>th</sup> day of June 19 70  
personally appeared:

HARRY S. GILL and NAOMI LaVERNE  
GILL, husband and wife each being over  
the age of 21 years,

Dated this 15<sup>th</sup> Day of June 1970

*Harry S. Gill* Sed  
(Harry S. Gill)

(Naomi LaVerne Gill)

*Naomi LaVerne Gill* Sed

Sed

DULY ENTERED FOR TAXATION

AUG 25 1972

Sed

*Arthur E. Rogers* Sed  
AUDITOR OF ALLEN COUNTY

And acknowledged the execution of the foregoing deed, in witness whereof, I have hereunto subscribed my name and affixed my official seal. My commission expires 16 16 1974.

*R. E. Shell*  
R. E. SHELL Notary Public




February 6, 1974

MR. TALARICO:

If it will be necessary for Mr. Gallmeyer to appear at the City Council Meeting on February 12, 1974, please be so kind as to notify me.

Thank you.

  
Judith A. Teeters, Secretary to  
Thomas M. Gallmeyer

jat

LAW OFFICES

ROTHBERG, GALLMEYER, FRUECHTENICHT & LOGAN

SOL ROTHBERG  
THOMAS A. GALLMEYER  
GEORGE E. FRUECHTENICHT  
THOMAS D. LOGAN  
PHILLIP E. GUTMAN  
JOHN H. HEINEY  
VERN E. SHELDON

F. WALTER RIEBENACK  
DONALD M. AIKMAN  
MARTIN T. FLETCHER  
DAVID A. TRAVELSTEAD  
RICHARD D. ROBINSON  
THOMAS M. GALLMEYER  
RICHARD E. FOX

AREA CODE 219  
TELEPHONE 422-9454

INDIANA BANK BUILDING  
FORT WAYNE, INDIANA  
46802

February 6, 1974

Mr. Sam Talarico  
City Council  
City-County Building  
Fort Wayne, Indiana 46802


RE: Petition No. Z-73-11-33  
Fidelity Realty Corporation, Petitioner

Dear Mr. Talarico:

Please be advised that the Petitioner in the above captioned Zoning Ordinance Amendment Petition desires to withdraw its Petition at this time. If there are any restrictions with regard to our being able to withdraw this Petition at this time, please let me know.

Sincerely yours,

ROTHBERG, GALLMEYER,  
FRUECHTENICHT & LOGAN

  
Thomas M. Gallmeyer

TMG/jat

# City Clerk Memorandum

CHARLES W. WESTERMAN, Clerk

To Richard Wanush - City Plan Commission Date 2-8-74

From Charles W. Westerman - City Clerk

Subject Appearance before Common Council - February 12, 1974

COPIES TO:

RE: BILL NO. Z-73-11-32  
BILL NO. Z-73-11-33  
BILL NO. Z-73-11-47

Your presence is requested on February 12, 1974, at 7:00 o'clock P.M., Room 124, by the members of the Common Council and the members of the Standing Committee of Regulations, in regard to Bill Nos. Z-73-11-32, Z-73-11-33 and Z-73-11-47.

It is also requested that you bring along any materials or information that you may have which will help the Council in its decision regarding the above bill.



Charlie

Number assigned by Dave Keller's Office: # 3239

DIGEST SHEETTITLE OF ORDINANCE Zoning Map Amendment Ordinance3-73-11-33DEPARTMENT REQUESTING ORDINANCE City Plan CommissionSYNOPSIS OF ORDINANCE Preparation of a Zoning Map Amendment Ordinance

Petition initiated by property owners to rezone property located as follows:

A parcel of ground containing 3 1/3 acres, more or less, generally located on the south side of U. S. # 24 (Upper Huntington Road), lying west of the intersection of U. S. # 24 and S. R. # 14

From "RA" to "R3".

EFFECT OF PASSAGE Property is presently zoned Suburban Residential, which permits apartments. The "R3" district is also classified as multiple family, but would permit offices and studios, with approval by the Board of Zoning Appeals

EFFECT OF NON-PASSAGE Property would remain suburban residential.MONEY INVOLVED (Direct Costs, Expenditures, Savings) noneASSIGNED TO COMMITTEE (J.N.) Reg - WCH